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Administrative Policies
And Procedures
Tennessee Supreme Court
Administrative Office of the Courts

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Effective Date: 02/01/05

Supersedes: 1.01 (05/1/04)

Approved by: Chief Justice Frank F. Drowota, III and Cornelia A. Clark, Director

Subject: Travel Policy and Guidelines

- I. Authority: T. C. A. §§ 8-26-101, 16-3-601(a)(3), 17-2-111, 17-3-103(5), 17-3-105(b), 17-4-108, 17-5-205 and 23-1-101(b)(2).
- II. Purpose: To establish policies and guidelines governing in-state and out-of-state travel for authorized state judicial branch officials.
- III. Application: The following regulations govern in-state and out-of-state travel by all state court employees authorized to travel in the performance of their duties, including judges sitting by: (1) special designation of the Chief Justice, (2) interchange (sitting by agreement with another judge), and (3) travel by judges and other judicial employees attending authorized out-of-state events and in-state authorized official business functions. Employees also include other state judicial employees, court reporters (official and per diem) and members of the state judicial committees, boards or commissions when acting in that capacity. This policy also applies to attorneys, experts and other persons compensated under Supreme Court Rule 13 as it applies to amounts reimbursed for mileage, meals and lodging.
- IV. Definitions: None.
- V. Policy: All in-state and out-of-state travel by authorized state court employees, members of state judicial committees, boards and commissions, attorneys, experts and other persons compensated under Supreme Court Rule 13 shall be performed in compliance with the regulations and guidelines of this administrative policy.
- VI. Procedures:
 - A. Reimbursement Procedure
 1. Requests for reimbursements are submitted for approval to the Administrative Office of the Courts at the following address:

Administrative Office of the Courts
Fiscal Office
Nashville City Center, Suite 600
511 Union Street
Nashville, Tennessee 37219

2. All requests are reviewed by the Fiscal Office in strict compliance with the following general provisions. However, the Administrative Director of the Courts may grant exemptions and allow exceptions from these policies and guidelines when deemed appropriate and necessary.
3. A copy of the Judicial Travel Policies and Guidelines has been filed with the Judiciary Committees and the Finance, Ways and Means Committees of the Senate and the House, the Fiscal Review Committee, the Comptroller of the Treasury, and the Commissioner of Finance and Administration.

B. General Provisions

1. No reimbursements will be allowed without original receipts. Receipts for all travel expenses are required for common carrier charges, lodging, and any other items or fares, except meals, taxi fares, tolls, and parking.
2. Claims for reimbursement should be submitted no later than thirty (30) days after the travel is completed. Claims submitted after thirty (30) days must include an explanation of the delay. Prior fiscal year (July 1 – June 30) expenses will not be paid if received after August 15th of the next fiscal year.
3. Reimbursement forms available from the Administrative Office of the Courts must be submitted for all travel expense claims. All requested information must be provided.
4. Reasonable taxi fares, hotel and airport parking away from the county of residence will be allowed.
5. Expenditures for entertainment or any other social services are personal charges and will not be reimbursed.
6. Reimbursement for charges for long distance business telephone calls or business cellular phone calls made during official travel will be allowed. Local calls on official business will be allowed. No personal calls will be reimbursed.
7. Registration fees and other costs for conferences, conventions, seminars or meetings will be allowed provided advance approval is obtained from the Administrative Office of the Courts. No reimbursement will be allowed for meals or social activities when provided as part of a registration/conference fee.
8. No reimbursements will be allowed to anyone reimbursed by another government entity for such expenses.
9. No reimbursements for the entertainment, lodging, or travel of another person will be allowed.
10. No reimbursements for alcoholic beverages will be allowed.

11. No reimbursement for meals for single-day travel will be allowed. Reimbursement for meal expenses during overnight travel will be reimbursed as discussed below and in compliance with Internal Revenue Service Publication 463.
12. Reimbursement is not provided for any travel that is deemed "social" in nature. This includes travel to funerals or receptions such as those for new or retiring judges. Judges are often encouraged to attend these events to show support for their colleagues, but they are not considered matters of official business.

C. IN-STATE

1. Advance approval is not required for reimbursement of travel expenses incurred in conducting official business except for in-state air travel and for continuing education or training programs not sponsored by the Administrative Office of the Courts.
2. Lodging: Reimbursable lodging expenses will be reimbursed at the single occupancy room rate or approved conference room rate. Always present your judicial identification and request the state or government rate. The original lodging receipt for the entire amount must be submitted.
3. Transportation: The rate for transportation reimbursement in personal vehicles is \$.38 per mile. Air fare is only allowed with prior approval of the Administrative Office of the Courts and will be reimbursed only if the receipt is submitted. When two (2) employees share a vehicle, only the driver shall be reimbursed. Vehicle rental is only allowed with the prior approval of the Administrative Office of the Courts. Charges for insurance for rented automobiles are not reimbursable costs; the State is self-insured through the Department of Treasury, Division of Claims Administration.
4. Meals and Incidentals: Reimbursement of in-state meal and incidental expenses during overnight travel will be paid according to the approved per diem rate. Incidentals are intended to include miscellaneous costs associated with travel such as tips for baggage handling, phone calls to home, etc. Per Diem will be allowed up to the following amounts for cities as rated by levels. Level I includes all cities except the following which are Level II: Davidson County, Hamilton County, Knox County, Shelby County, and Gatlinburg.

MEALS PER DAY:

<u>CITY LEVEL</u>	<u>BREAKFAST</u>	<u>LUNCH</u>	<u>DINNER</u>	<u>INCIDENTALS</u>	<u>FULL DAY</u>	<u>75% RATE</u>
I	\$6.00	\$8.00	\$15.00	\$2.00	\$31.00	\$23.25
II	\$8.00	\$10.00	\$18.00	\$2.00	\$38.00	\$28.50

No expenditures for alcoholic beverages will be reimbursed.

Reimbursement for meals and incidentals for the day of departure and the day of return will be 75% of the full day per diem, regardless of the time of departure or return. The rate applied shall be based on the lodging location. Reimbursement is made only when overnight travel is involved.

When attending a state-sponsored training session or conference and a full meal is provided, the employee should deduct the cost of those meals from the per diem for that day, using the schedule provided above.

D. OUT OF STATE

1. Out-of-state overnight travel for continuing education training programs (such as N.Y.U. or National Judicial College), or annual judicial association meetings should be submitted in writing to the Administrative Office of the Courts at least one (1) month prior and must receive prior written approval from the Administrative Office of the Courts. Personnel applying for authorization must complete a Request for Out-of-State Travel Authority Form, which includes the expense of registration, related course materials, certificate of attendance, and estimated total cost of trip.
2. Lodging: Lodging at out-of-state conventions, educational meetings, and other functions approved by the Administrative Office of the Courts will be reimbursed at the single occupancy rate or conference room rate. Always request the state or government rate. Campus accommodations should be utilized if available. The judge must pay the difference between a single and double room rate when traveling with a companion.
3. Transportation: Transportation should be by common carrier at the lowest possible fare. Discount airline fares should be obtained whenever possible. A receipt in the form of a ticket stub must accompany the expense claim.

Additional travel expenses incurred as a result of extending the trip beyond the time period of the program will not be reimbursed. Penalty fees incurred due to modification of the airline ticket will not be reimbursed without the prior approval of the Administrative Office of the Courts. However, if he/she extends the trip in order to obtain total cost savings with a super saver air fare, the cost for an additional night's stay and per diem will be reimbursed.

If an employee elects to use a personally owned vehicle on out-of-state trips, reimbursement will be based on a rate of **\$.38** per mile, not to exceed the lowest possible air fare.

If an employee travels into another state and back in the same day and such travel is less than 50 miles one way, such travel will be considered in-state for approval and reimbursement purposes.

4. Meals: The maximum reimbursement rates for out-of-state meal expenses are the same as those maintained by the U.S. General Services Administration for federal employees within the continental United States (CONUS). The CONUS list contains a standard reimbursement rate for meals and incidentals. A link to this list can be found at the Department of Finance and Administration web site at www.state.tn.us/finance/act/policy.html. As with in-state travel, out-of-state meals and incidentals will be reimbursed at the 75% rate on the day of departure and the day of arrival. When full meals are provided as a part of the conference fee, the cost of those meals should be deducted from the per diem rate for that day.

No expenditures for alcoholic beverages will be allowed.



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And Procedures
Tennessee Supreme Court
Administrative Office of the Courts

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Effective Date: 05/01/04

Supersedes: 1.02 (11/1/01)

Approved by: Chief Justice Frank F. Drowota, III and Cornelia A. Clark, Director

Subject: Travel Policy and Guidelines for Clerks of Court

- I. Authority: T.C.A. §§ 18-1-503 and 18-1-506.
- II. Purpose: To establish policies and guidelines governing in-state travel for clerks of court.
- III. Application: All circuit court clerks, clerk and masters, criminal court clerks, juvenile court clerks, probate clerks, and elected general sessions court clerks and deputies of such offices in the state.
- IV. Definitions:

“Full Member” of the Clerks’ Conference means circuit court clerks, clerk and masters, criminal court clerks, juvenile court clerks, probate clerks, and elected general sessions court clerks in the state.

“Associate Member” of the Clerks’ Conference means deputies of the offices.
- V. Policy: All in-state travel by authorized state court clerks and deputies shall be performed in compliance with the regulations and guidelines of this administrative policy.
- VI. Procedures:
 - A. Reimbursement Procedure
 1. The following regulations govern in-state travel by all members and associate members of the state court clerks’ conference authorized to travel to educational seminars or training sessions administered through the Administrative Office of the Courts pursuant to the provisions of T.C.A. §§ 18-1-503 and 18-1-506. The conference membership includes as full members the following: circuit court clerks, clerk and masters, criminal court clerks, juvenile court clerks, probate clerks, and elected

general sessions court clerks in the state. Deputies of the offices shall be associate members of the conference.

2. Clerks and deputy clerks, within the statutory limitations as to the number of attendees allowed to attend per classification, are permitted to attend the seminar located nearest to their counties of residence. Under no exceptions will reimbursement be allowed for more than ½ of the clerk's office to attend the most distantly located seminar. Clerks (appointed or elected official) may attend both the May and June seminars if they are involved in business meetings or are appearing as speakers.
3. Requests for reimbursements are submitted for approval to the following address:

Administrative Office of the Courts
Fiscal Office
Nashville City Center, Suite 600
511 Union Street
Nashville, TN 37219

4. All requests are reviewed in strict compliance with the following general provisions by the Fiscal Office with approval of the Administrative Director of the Courts.
5. A copy of the Judicial Travel Policies and Guidelines has been filed with the Judiciary Committees and the Finance Ways and Means Committees of the Senate and the House, the Fiscal Review Committee, the Comptroller of the Treasury, and the Commissioner of Finance and Administration.

B. General Provisions

1. No reimbursements will be allowed without original receipts. Receipts for all travel expenses are required for lodging, any other items or fares, except meals, taxi fares and tolls.
2. Claims for reimbursement should be submitted no later than thirty (30) days after the travel is completed. Claims submitted after thirty (30) days must include an explanation of the delay. Prior fiscal year (July 1 – June 30) expenses will not be paid if received after August 15th of the next fiscal year.
3. Reimbursement forms available from the Administrative Office of the Courts must be submitted for all travel expense claims. All requested information must be provided, title affixed and signed by the claimant and clerk.

No reimbursement will be allowed unless approved and signed by the officially appointed or elected clerk of that office.
4. Expenditures for entertainment or any other social services are personal charges and will not be reimbursed.
5. No incidental charges will be allowed. No phone calls will be reimbursed.

6. No reimbursement will be allowed for meals or social activities when provided as part of a registration/conference program.
7. No reimbursements will be allowed to anyone for travel costs reimbursed by another government entity.
8. No reimbursements for the entertainment, lodging, or travel of another person will be allowed.
9. No reimbursements for alcoholic beverages will be allowed.
10. No reimbursement will be allowed for overnight travel for the night preceding the opening day of a seminar unless the claimant resides beyond a reasonable driving distance from the seminar location, and such travel is approved in advance by the Administrative Office of the Courts.
11. If he/she is employed in the county in which the conference is being held, he/she will not receive reimbursement for the hotel costs, mileage or meals. Expenses will be reimbursed, however, to those employees who are programmatically involved with the conference or serve as an officer.

C. Specific Provisions

1. Lodging: Reimbursable lodging expenses for full members (official clerks) will be reimbursed at the approved single occupancy room rate or approved conference room rate. Associate members (deputies/assistants) will be reimbursed at ½ the regular room rate absent special circumstances (medical, gender singles, etc.). If two (2) or more members share a room, the AOC does request one person file the entire lodging expense for each guest room and request total reimbursement from the Administrative Office of the Courts. The lodging receipt for the entire amount must be submitted.

All claims must list the names of roommates, if any. Baggage handling fees, when incurred, will be allowed up to \$4.00 total per hotel.
2. Transportation: The rate for transportation reimbursement in personal vehicles is \$.35 per mile. Air fare is only allowed in special circumstances with prior approval of the Administrative Office of the Courts and will be reimbursed only if the receipt is submitted. When two (2) attendees share a vehicle, only the driver shall be reimbursed. All riders in each vehicle must be listed on the claim form, along with the license number of the vehicle. No reimbursement will be allowed for travel costs reimbursed by another government entity.
3. Meals: Reimbursement of in-state meal expenses for overnight travel will be allowed up to the following amounts for cities as rated by levels. No reimbursement for single meals during one day travel will be made. Level I includes all cities except the following which are Level II: Davidson County, Hamilton County, Knox County, Shelby County, and Gatlinburg.




MEALS PER DAY:

<u>CITY LEVEL</u>	<u>BREAKFAST</u>	<u>LUNCH</u>	<u>DINNER</u>	<u>FULL DAY</u>
I	\$5.00	\$7.00	\$10.00	\$22.00
II	\$5.00	\$8.00	\$11.00	\$24.00

No expenditures for alcoholic beverages will be reimbursed.

The following time schedule shall determine eligibility for reimbursements for meals during overnight travel. Any attendee at his/her official station or in the county of residence during these times shall not be entitled to reimbursement:

Breakfast	7:00 a.m. - 8:00 a.m.
Lunch	11:00 a.m. - 1:30 p.m.
Dinner	5:00 p.m. - 6:30 p.m.

 <p style="text-align: center;">Administrative Policies And Procedures Tennessee Supreme Court Administrative Office of the Courts</p> 	Index #: 1.03	Page 1 of 7
	Effective Date: 11/01/01	
	Supersedes: Administrative Directive 97-2 	
Approved by: Chief Justice Frank F. Drowota, III and Cornelia A. Clark, Director		
Subject: POLICY REGARDING THE USE OF STATE OWNED COMPUTERS AND EQUIPMENT		

- I. Authority: T.C.A. §§16-3-803 & 10-7-512
- II. Purpose: To establish guidelines for the appropriate use of State provided computer hardware, software, networks, and related services.
- III. Application: All employees (for purposes of these policies and procedures employees includes all contractors, part time employees, interns, and court clerk offices participating in the TnCIS project) of the judicial branch whom are provided computer hardware, software, networks, and related services.

IV. Definitions:

Assistant Director – refers to the Assistant Director of the Courts over Technology Services.

Unacceptable Use – Includes but is not limited to the following: private or personal profit activities, political campaign activities, vandalism or destruction of files and records, unauthorized not-for-profit activities, attempts to disrupt or subvert another user or users work, transmission or storage of threatening, obscene, pornographic, profane, sexually oriented or harassing materials, chat room usage that does not pertain directly to your job duties, violation of Copyright laws.

Computer Equipment – refers to desktops, laptops, file servers, hubs, modems, printers, etc.

Software – refers to word processing, spreadsheet, database tools, web browsers, e-mail, legal research tools, etc.

Networks – method of interconnecting several computers for the purpose of sharing data, resources, and/or file storage.

LAN - Local Area Network – a network that interconnects several computers and devices at a single locale such as a single building or office.

WAN - Wide Area Network – a large scale network that interconnects multiple Local Area Networks for sharing of data, resources, and/or file storage.

E-mail (electronic mail) – A service that provides for communications via typed messages and data sharing via file attachments.

Internet – A vast clustering of Wide Area Networks allowing for the sharing of information on a global scale.

OIR – State Office of Information Resources, a division of Finance and Administration responsible for the State's technology infrastructure.

V. Policy:

- A. All computer equipment, software, hardware options, networks and related services for use by court personnel supported by the Administrative Office of the Courts, will be provided by the Administrative Office of the Courts (AOC), Technology Services Division.
- B. Only software provided by the Technology Services Division is to be loaded on these systems. Due to the nature of software licensing agreements, most software is only licensed for a single computer. Existing software contracts allow for audits at any time. This requires that we closely monitor the software loaded on these systems.
- C. Only hardware options provided by the Technology Services Division are to be installed on these systems, and must be installed by a member of the Technology Services Division or an approved representative or vendor. This procedure is necessary due to the support needs on the volume of systems that we have installed and also because of state inventory requirements, vendor warranties and service agreements.
- D. All equipment provided is subject to the state inventory guidelines.
- E. LAN services are provided for business use only. Acceptable use of these services includes communications, file storage, printing, and any other activities that pertain directly to your job or to professional development..
- F. WAN services and Internet access are provided for business use only. Acceptable use of these services includes communications, access to

state data services, research, support activities, and any other activities that pertain directly to your job or professional development.

- G. E-mail services are provided for business communications use only. Users should exercise care when receiving e-mails not to run executable files sent as attachments unless they are absolutely sure as to the source of the message. E-mail attached files have become one of the most common means by which computer viruses are spread.
- H. Unacceptable use of LAN, WAN, and E-mail as defined in Section IV above is not appropriate and should never be performed on the provided equipment or services.
- I. All users need to be aware that Internet e-mail is not secure. Once an e-mail message has left our internal e-mail system it no longer has any protection. Extreme care should be exercised when using Internet e-mail for business purposes and that the contents of such e-mails do not contain any confidential or sensitive information. Users may be legally responsible under Tennessee Law and/or Federal Law for any damages resulting from the transmission of confidential or sensitive information by Internet e-mail.
- J. All files, records, e-mails, and other electronic files or documents stored on state owned equipment are subject to the Public Records Laws of the State of Tennessee. Users of state owned equipment have no expected right of privacy. Unless protected by statute, court rule, or court order, all such records are considered public and open for inspection.
- K. Users should not allow any unauthorized party to use his/her assigned equipment. Passwords are confidential and should not be shared. Both user IDs and passwords are ways we protect the systems and they are also used when investigating alleged abuse. Sharing passwords is risky as it could end up reflecting negatively upon the user.

VI. Procedures:

- A. All requests for computer equipment, software, hardware options, and services should be directed in writing to the Assistant Director. Decisions to supply equipment and software are based on numerous factors and the final decision lies with the Administrative Director of the Courts.
- B. The Assistant Director may authorize the use of other software on the equipment. Such authorization may be obtained by written request to the Assistant Director. Permission will be given in circumstances where the software to be installed is known not to cause any conflicts with provided software or equipment and the requesting party can demonstrate the existence of a legal license to install the software. The

AOC reserves the right to remove any software, whether approved or not, that is causing conflicts or problems with other software, hardware or networking services we provide.

- C. In the case of equipment provided to court clerks' offices, county purchased hardware options may be installed only after obtaining the written approval of the Assistant Director. Approval for installations does not imply that the AOC will assume responsibility for or guarantee compatibility. It is the county's responsibility to track any of their installed options and handle problems arising from the installation. The AOC reserves the right to remove any installed hardware options that are found to be causing a conflict or problem with any AOC provided software, hardware, or networking services. The county is also responsible for making sure any county owned options are removed from equipment being picked up for repair, return, or surplus.
- D. Users will assist the AOC in inventory of provided equipment when needed. Equipment should not be moved without notifying the AOC Technology Services division prior to any action. Equipment may only be reassigned to another user or facility by the AOC.
- E. In the event of suspected abuse by a user, the user's supervisor shall have the right to request an investigation into the suspected abuse. Such request must be made in writing to the Assistant Director. The Administrative Director of the Courts will be made aware of any such request. Investigations can include but are not limited to inspection of files on workstations and file servers, review of e-mails sent and received, active monitoring of the users Internet and network use, and active monitoring of the users workstation. Initial investigations will be conducted by the Assistant Director. All investigations will be kept confidential until a finding is reached. Once a finding is reached both the requesting party and the Administrative Director will be informed of the results. In the case of discovery of potentially illegal activities the OIR Security Investigative team may be called in at the Administrative Director's request.
- F. In cases of proven abuse or misuse of state provided hardware, software, and networking services action will be taken to stop such activity. Action may include but is not limited to removal of e-mail services, removal of Internet services, suspension of access to computers and networks, suspension of employment, termination of employment, or recommendation for prosecution. The level of action taken will be at the discretion of the Administrative Director of the Courts in consultation with the party requesting the investigation, within the bounds of the law.
- G. Under this policy, the Administrative Office of the Courts has the right to audit software usage, inspect equipment and monitor network and Internet activity to verify compliance with this policy and to investigate

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non-compliance. Also note that the State of Tennessee Office of Information Resources has the right to monitor and log all network and Internet traffic on the Wide Area Network. Under this policy and in accordance with the State's policy, users have no reasonable expectation of privacy in the use of these resources.

- H. All users of computer hardware, software, networks, or related services provided by the AOC must sign one of the attached acknowledgment forms.
- I. Questions regarding this policy should be directed to the Assistant Director.

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Administrative Directive 1.03

I, the undersigned, acknowledge that I have read and understand Administrative Directive 1.03. By signing I agree to follow all of the policies and procedures described in said directive. I also acknowledge my understanding that any infractions on my part may result in disciplinary action including, but not limited to, removal of e-mail services, removal of Internet services, suspension of access to computers and networks, suspension of employment, termination of employment, or recommendation for prosecution. I also acknowledge that I fully understand that I have no expected right of privacy in the use of state provided computer equipment, software, networks, or related services and that my use of same is subject to monitoring by the appropriate authorities as defined in the policies and procedures.

Employee or Consultant Name (Print):

Employee or Consultant Signature:

Date: _____

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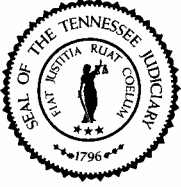
Administrative Directive 1.03

I, the undersigned, acknowledge that I have read and understand Administrative Directive 1.03. By signing I agree to follow all of the policies and procedures described in said directive. As an elected or appointed court clerk, I acknowledge my understanding that I bear responsibility for seeing to it that all of my staff are informed of this directive and agree to follow the policies and procedures described therein. I will assist the Administrative Office of the Courts in enforcement of the directive as it applies to my staff. I also acknowledge my understanding that any infractions on my part may result in disciplinary action including, but not limited to, removal of e-mail services, removal of Internet services, suspension of access to computers and networks, suspension of employment, termination of employment, or recommendation for prosecution. I also acknowledge that I fully understand that I have no expected right of privacy in the use of state provided computer equipment, software, networks, or related services and that my use of same is subject to monitoring by the appropriate authorities as defined in the policies and procedures.

Clerk or Clerk & Master Name (Print):

Clerk or Clerk & Master Signature:

Date: _____



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And Procedures
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Administrative Office of the Courts

Index #: 1.04

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Effective Date: 11/01/01

Supersedes:

Approved by: Chief Justice Frank F. Drowota, III and Cornelia A. Clark, Director

Subject: Attendance by non AOC employees at AOC work related events

- I. Authority: T.C.A. § 16-3-803
- II. Purpose: To provide guidance to AOC employees by more clearly describing when a spouse, significant other or child is permitted to attend AOC work-related events.
- III. Application: All employees of the AOC.
- IV. Definitions:
 - A. AOC Employee: Any person whether in a full or part time status that is included on the payroll register for the AOC.
 - B. Spouse: Person related by marriage to an AOC employee.
 - C. Significant Other: A person who is important to one's well being.
 - D. Child: A son, daughter, grandchild or stepchild of AOC employee.
- V. Policy:
 - A. AOC sponsored conferences: A spouse or significant other may accompany an AOC employee to the June Judicial Conference annual meeting and/or the September General Sessions Conference annual meeting, provided such accompaniment does not either directly or indirectly hinder assigned job duties. A spouse or significant other is not permitted to accompany an AOC employee to other AOC sponsored conferences. Children may not accompany an AOC employee to any AOC sponsored conference.
 - B. Other work related events: A spouse or significant other may accompany an AOC employee to other work-related events if approved by his/her division director. A child may not accompany an employee

to a work related event unless the event is specifically designed for AOC families (AOC Picnic).

- C. Travel with a spouse, significant other or child is not permitted in state vehicles.

VI. Procedures:

- A. If a spouse or significant other accompanies an AOC employee to an approved work-related event, the AOC employee is responsible for any additional costs, including meals and lodging expense over and above the approved conference or state rate for the employee.
- B. This policy shall be distributed to all AOC employees.
- C. All questions regarding application or interpretation of this policy should be addressed to the employee's division director.



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1.05 (8-1-02)

Approved by: Chief Justice Frank F. Drowota, III and Cornelia A. Clark, Director

Subject: Reimbursement of General Office Expenses For Judges

- I. Authority: T. C. A. § 8-26-101
- II. Purpose: To establish policies and guidelines governing the reimbursement of general office expenses for state judges.
- III. Application: Justices of the Supreme Court, Judges of the Intermediate Appellate Courts, Criminal Court Judges, Circuit Court Judges, Chancellors of Tennessee, and Child Support Referees funded by the Administrative Office of the Courts.
- IV. Definitions:

Judge(s): Justices of the Supreme Court, Judges of the Intermediate Appellate Courts, Criminal Court Judges, Circuit Court Judges, Chancellors of Tennessee, and Child Support Referees funded by the Administrative Office of the Courts.
- V. Policy: All Judges shall be reimbursed for their necessary office rent, office supply and equipment expenses. Such expenses are paid in addition to the regular salary of the judge.
- VI. Procedures:

A. Reimbursable Office Expenses

1. Office Space: While some judges may travel to several counties within a judicial district, each judge will have one office. All state judges' offices should be located in local courthouses. See T.C.A. §16-2-505 (d)(1). If it is not possible for the County Executive to furnish suitable space within the courthouse, the County Executive must submit to the judge in writing his/her reasons for refusal. Upon receipt of written notice from the County Executive, the judge may commence the following process to secure a lease for private office space.

When suitable space is located, at least one independent, market value appraisal should be obtained in order to determine the fair market value of such space. The appraisal, the requested lease amount, and a copy of

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the County Executive's statement regarding the unavailability of space shall be submitted to the Administrative Office of the Courts for review and approval before any leases are finalized. No reimbursement will be allowed without prior approval of the Director of the Administrative Office of the Courts.

2. Office Supplies and Telephone Expenses: Judges are entitled to reimbursement for reasonable and customary office expenses, including, but not limited to office supplies, cleaning supplies, and business telephone expenses.

When relocating offices, please contact the Finance Division regarding telephone service changes, and the Technology Services Division regarding relocation of computer equipment. This includes relocation within the same building.

Telephone systems purchased and installed by the State require direct monthly billing to the State. No personal calls may be billed to these phones. Therefore, it is anticipated that judges and staff will obtain personal credit cards or make separate billing arrangements when private long distance calls are made on those systems.

Cellular phones are not provided to judges, nor is reimbursement for monthly service. However, the cost of cellular business phone calls will be reimbursed. An itemized cellular bill should be remitted with the expense claim. Each business call should be checked off (✓) to identify all calls to be reimbursed.

3. Purchase of Law Books/Legal Research Materials: The following publications or other materials are normally supplied to each judge as part of his/her minimum law library according to their jurisdiction:
 - a. Tennessee Code Annotated
 - b. Tennessee Decisions
 - c. Tennessee Practice Vol. 3 - 4
 - d. Tennessee Pattern Jury Inst. Civil Vol. 7
 - e. Tennessee Pattern Jury Inst. Criminal Vol. 8
 - f. Tennessee Practice Vol. 9 - 11
 - g. Tennessee Digest or Tennessee Jurisprudence
 - h. Shepard's Tennessee Citations Book & Diskette
 - i. Tennessee Attorney's Memo
 - j. Tennessee Attorney's Directory
 - k. Tennessee Tort Law Letter
 - l. Tennessee Law of Evidence by Paine
 - m. Pritchard on Wills & Estates
 - n. Lexis - Law on Disc
 - o. Lexis online

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p. Tennessee Rules of Court (State & Federal)

Note. Should any of the above publications be deemed non-essential to office operations, contact the Finance Division.

DO NOT ORDER BOOKS OR PUBLICATIONS DIRECTLY. Write the Finance Division and request legal publications necessary for the operation of your office. Please include the publication title, author's name, publisher's name and address and the cost. Should this office determine such purchases to be necessary and within budgetary guidelines, we will order them for you and notify you of such action.

Judges who elect to have the state update their own sets of previously purchased books are deemed to have donated those books to the state. At the conclusion of service those supplemented or replaced sets remain the property of the state.

Upon receipt of books/publications, send any shipping or packing receipts to our office for our records. If no receipt was included, please notify our office. Send all your shipping/packing receipts or letters written by you verifying receipt with your monthly expense claims to our office.

If you are receiving books and/or supplements that are no longer necessary, please write us and we will discontinue your subscription.

4. Computer Equipment and Internet Access. The Technology Services Division will provide you with a list of standard equipment and services provided to each judge and assistant. State-provided computer equipment is for business use only, and only state approved software may be operated on the equipment. See guidelines for appropriate usage in Policy 1.03 *Policy Regarding the Use of State Owned Computers*.

Judges may request a dial up Internet Access account. Such request should be directed to the Assistant Director of Technology Services. All accounts are provided through Earthlink ISP, where there are local access numbers, or an ISP local to the judge. Earthlink accounts will be paid for directly by the AOC and require no reimbursement claim. Local ISP billing must be arranged between the judge and the ISP. Expenses incurred must be filed on a separate Internet Access Claim form. Billings can be paid monthly or annually. Internet Access Claims should be submitted to:

Administrative Office of the Courts
Technology Services
Suite 520
511 Union Street
Nashville, TN 37219

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On accounts established with Local ISPs, the following guidelines should be noted:

- The AOC will not be responsible for direct billing of the ISP.
- The Local ISP must allow the use of Microsoft Internet Explorer.
- The AOC will not be responsible for maintaining or supporting the account.
- The AOC will support State provided phone lines and modems.

5. **Furnishings and Equipment:** Books, computers, furniture and office equipment are to be passed to a new judge by his or her predecessor. Requests for new or replacement office furnishings or equipment that cost more than \$100.00 should be submitted in writing to the Administrative Director for prior approval. No reimbursement will be allowed without prior approval. Contact the Fiscal Office for assistance in procuring furniture, fax and copy machines. Computer-related purchases should be requested through the Technology Division.

Annual inventories are conducted and all equipment must be accounted for each year. A departing judge may also be asked to assist in a special inventory before leaving service, and will be personally responsible for any failure to return state equipment in good condition.

Contact the Finance Division of the Administrative Office of the Courts regarding the transfer, removal, disposal, or theft of any office inventory items. Where appropriate, that Division will also notify the Technology Services Division.

6. **Judicial Robes:** Judges are entitled to reasonable reimbursement for the purchase of robes, not to exceed \$250.00. You may contact someone locally to purchase robes or contact the following out-of-state vendors:

Academic Choir Apparel
6867 Farmdale Avenue
Chatsworth, CA 91605
(818) 886-8697

Harbro Church Arts, Inc.
196 S. Van Brunt Street
Englewood, NJ 07631
(800) 223-0040

Josten's
Post Office Box 527
Owatonna, MN 55060-0527
(800) 845-9291



B. General Provisions

1. No reimbursements will be allowed without original receipts or invoices.

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2. No gifts, money, or anything of value whatsoever should be accepted from any person or firm with whom purchases of materials, supplies or equipment are made.
3. Claims for reimbursement should be submitted no later than thirty (30) days after the invoice is paid. Claims submitted after thirty (30) days must include an explanation of the delay. Prior fiscal year (July 1 – June 30) expenses will not be paid if received after August 15 of the next fiscal year.
4. Reimbursement forms (electronic or hardcopy) available from the AOC must be submitted for all expense claims. All requested information must be provided.
5. Charges for long distance business telephone calls will be reimbursed. Long distance charges for personal calls will not be reimbursed.
6. No reimbursement will be allowed to anyone reimbursed by another government entity for such expenses.
7. All requests for supplies, reimbursement or other correspondence related to this policy should be sent to the following:

Administrative Office of the Courts
Finance Division
Nashville City Center, Suite 600
511 Union Street
Nashville, TN 37219

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	Supersedes:	
Approved by: Chief Justice Frank F. Drowota, III and Cornelia A. Clark, Director Subject: Conflict of Interest		

- I. Authority: T.C.A. §16-8-803
- II. Purpose: To establish guidelines for avoidance of conflict of interest for employees of the Judicial System for the State of Tennessee.
- III. Application: All employees of the Judicial System.
- IV. Definitions:
 - A. Employee: Any person whether in a full or part time status who is included on the payroll register for the Judiciary.
 - B. Conflict of Interest: Any action which might result in or create the appearance of using public office for private gain; giving preferential treatment to any person; or knowingly engaging in criminal or dishonest conduct.
- V. Policy: Employees shall avoid any action, which might result in or create the appearance of a conflict of interest.
- VI. Procedures:
 - A. An employee should not for personal benefit solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, unusual discount, or any other thing of monetary value except usual social and business courtesies (e.g. meals, samples) from a person whom the employee knows or has reason to believe is seeking to obtain, or currently has, a contractual or other business, financial, or legal relation with the Judicial Branch.
 - B. An employee should not engage in any outside employment or other activity not compatible with the full and proper discharge of the duties and responsibilities of governmental employment

whether on his/her own behalf or for private individuals, firms, companies, institutions, federal or local governments.

- C. An employee shall not have financial interests that conflict with his/her responsibilities and duties as an employee of the Judicial System for the State of Tennessee.
- D. An employee should not use his/her official position, including AOC purchasing procedures and privileges, to make purchase of materials or property for personal use.
- E. All non-judicial employees shall complete the "Employee Disclosure of Personal Interest" form. The completed form will be maintained in the employee's personnel file. All judges shall complete the forms required by T.C.A. 8-50-501 and Canon 4(H), Tennessee Supreme Court Rule 10, Code of Judicial Conduct. The completed form will be maintained in the employee's personnel file.
- F. If an employee's status changes at any time following the signing of the disclosure form, it will be the responsibility of the employee to report the change and file an updated form.



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Effective Date: 05/01/06

Supersedes:

2.02 (11/01/01)



Approved by: Chief Justice William M. Barker and Randy C. Camp, Director

Subject: Equal Employment Opportunity

- I. Authority: Title VII of the Civil Rights Act of 1964; T.C.A. §16-3-803; T.C.A. Title 4, Chapter 21, Parts 1 and 4; Equal Pay Act of 1963; Age Discrimination in Employment Act of 1967; Americans' with Disabilities Act of 1990; T.C.A. §8-50-103(a) and §8-50-104; Pregnancy Discrimination in Employment Act; Vocational Rehabilitation Act of 1973; Uniformed Services Employment and Reemployment Act of 1994; Tennessee Human Rights Act.
- II. Purpose: To ensure that all individuals have equal employment opportunity.
- III. Application: To all state judges and paid or unpaid employees of the state court system who work or serve in a full-time or part-time status. For purposes of this policy, "employee" also includes all members of the state judicial committees, boards and commissions when acting in that capacity.
- IV. Definition:
 - A. Discriminatory Practices: Discriminating in any aspect of employment, including:
 1. Hiring and firing;
 2. Compensation, assignment, or classification of employees;
 3. Transfer, promotion, layoff, or recall;
 4. Job advertisements;
 5. Recruitment;
 6. Testing;
 7. Use of facilities;
 8. Training and apprenticeship or clerkship programs;
 9. Benefits;
 10. Pay, retirement plans and disability leave;
 11. Other terms and conditions of employment;

12. Retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices;
 13. Employment decision based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain sex, national origin, religion, age, veteran status, disability, or race; and
 14. Denying employment opportunities to a person because of marriage to, or association with, an individual of a particular national origin, religion, age, veteran status, disability, or race.
- B. Retaliation: Overt or covert acts of reprisal, interference, restraint, penalty, discrimination, or intimidation against an individual or individuals exercising rights under this policy.
- V. Policy: It is the policy of the judicial branch to promote equal employment opportunity for all judicial branch employees and applicants for employment.
- VI. Procedures:
- A. A copy of this policy will be circulated to all employees and be displayed conspicuously in all facilities.
 - B. A copy of this policy will be given to all new judicial branch employees as a part of orientation.
 - C. All recruitment sources will be notified in writing of the policy.
 - D. It is the responsibility of every member of management to do their part in preventing all forms of discrimination.
 - E. Employees who believe they have been discriminated against should contact Human Resources or any member of management. In addition, employees may contact the EEOC at 1-800-669-4000 (voice) or 1-800-669-6820 (TTY) or the Tennessee Human Rights Commission at 615-741-5825 for information on specific procedures for filing a complaint. The employee also may file a lawsuit in a court of competent jurisdiction.

- B. A copy of this policy will be given to all new judicial branch employees as a part of orientation.
- C. All recruitment sources will be notified in writing of the policy.
- D. It is the responsibility of every member of management to do their part in preventing all forms of discrimination, unjust treatment, and harassment of any kind.
- E. Employees who believe they have been discriminated against or who believe they have been subject to harassment should contact Human Resources or any member of management. In addition, employees may contact the EEOC at 1-800-669-4000 (voice) or 1-800-669-6820 (TTY) or the Tennessee Human Rights Commission at 615-741-5825 for information on specific procedures for filing a complaint. The employee also may file a lawsuit in a court of competent jurisdiction.

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<p>Approved by: Chief Justice Frank F. Drowota, III and Cornelia A. Clark, Director</p> <p>Subject: Overtime Policy</p>		

- I. Authority: T.C.A. § 8-23-201 and the Fair Labor Standards Act (FLSA).
- II. Purpose: To establish guidelines for the authorization and payment of overtime compensation.
- III. Application: All employees of the Administrative Office of the Courts (AOC).
- IV. Definitions:

Regular work schedule: The regular work schedule is 7.5 hours per day, Monday through Friday.

Overtime: Time worked in excess of the employee's regular work schedule for which extra compensation is authorized. Depending on the number of hours actually worked in the work week and the type of work the employee performs, overtime compensation may be in the form of cash at the employee's regular rate of pay, cash at the employee's premium rate of pay (one and one-half times the regular rate) or equivalent time off (compensatory time).

Executive Level: Exempt employees categorized as "executive level" are ineligible to receive cash or compensatory overtime.

Exempt Personnel: Employees defined as "exempt" by the FLSA may receive regular compensatory time for hours worked beyond their regular schedule at the direction of the Administrative Director or other appropriate supervisor or manager. Exempt employees are those whose predominant duties are "executive", "administrative", or "professional".

Non-Exempt Personnel: Employees defined as "non-exempt" by the Fair Labor Standards Act receive compensation for hours worked beyond their regular schedule at the direction of the Administrative Director or other appropriate supervisor or manager.

Compensatory Time: Time off with pay earned by an exempt, non-executive level employee (or by a non-exempt employee whose overtime is not compensated in cash) for time actually worked in excess of his/her regular 37.5 hour weekly schedule. Overtime claimed as compensatory time must have been worked at the request of the employee's supervisor. Compensatory time is accrued on a weekly basis and is not transferable to any type of leave.

- V. Policy: The AOC may ask employees to work overtime as business needs arise. Nonexempt employees are paid according to federal and state legal requirements and AOC policy. Exempt employees receive no overtime pay.
- VI. Procedures:
 - A. Employees are expected to work scheduled overtime, provided appropriate advance notice is given. Employee requests for absence due to major personal prior commitments during scheduled overtime are to be submitted to the manager/assistant director.
 - B. Exemptions from both the FLSA for any employee in a bona fide executive, administrative, professional position shall be determined by the Administrative Director or his/her designee. All other employees shall be non-exempt. Each section will be advised of those determinations which apply to its employees.
 - C. Non-exempt employees must choose whether to be paid in cash or compensatory time in lieu of cash for all overtime. An Overtime Election Form must be completed prior to receiving any overtime benefits. Employees may elect to change the form periodically. However, if an employee changes the method of compensation, the new method chosen will be in effect from the day forward. At no time will the method of compensation be retroactive.
 - D. Designated managers/assistant directors may authorize overtime work. All overtime must be authorized in advance of working the hours above the employee's regular work schedule. Employees may not voluntarily work overtime without prior approval. Employees should complete the Compensation Approval Form and submit through appropriate divisional channels.
 - E. Employees traveling to and from meetings at which attendance is considered a work assignment on a scheduled work day will receive compensatory time or cash (depending on their exempt or non-exempt status) equal to 100% of the time traveled outside the regular workday, less the actual time required to travel from the work station to the employee's home. If overnight stay is necessary, you will claim overtime only for the time worked over your regular workday. Employees traveling to and from meetings at which attendance is considered a work assignment on an unscheduled work day will receive compensatory time or cash (depending on their exempt or non-exempt status)

equal to 100% of the time traveled. The provision shall apply to all employees who are currently eligible to receive cash or accrue compensatory time under policy or law.

- F. Non-exempt employees are paid at their regular hourly rate for hours actually worked in excess of their regular 37.5 hour weekly schedule up to 40.0 hours in a work week. Employees are paid at the premium rate (one and one-half times their regular rate) for hours actually worked in excess of 40.0 in a workweek. Non-duty time spent on paid leave will be counted as compensable hours earned but will not be counted as hours actually worked. An employee must actually work 40.0 hours in the workweek before premium overtime is due. Overtime cannot be paid until the workweek is completed.
- G. When compensatory time is granted in lieu of cash, non-exempt employees receive hour-for-hour time off (regular compensatory time) for overtime hours worked between 37.5 and 40.0 in a workweek and one and one-half times the number of hours worked (premium compensatory time) for all hours worked in excess of 40.0 in a workweek. Exempt employees not categorized as executive level by the Administrative Director may be granted hour-for-hour compensatory time for all hours in excess of their regular 37.5 hour weekly schedule in a work week. Exempt employees categorized as “executive level by the Administrative Director are ineligible to receive cash or compensatory overtime.
- H. When exempt employees spend more than 20% of their time performing non-exempt work in a given work week, their exemption for FLSA overtime provisions is lost for that work week. When this situation occurs, affected employees must be compensated in the same manner as non-exempt employees for overtime hours worked in the workweek.
- I. Compensatory time may be accrued up to a maximum of four hundred and eighty (480) hours. Overtime earned above 480 hours must be paid in cash. The maximum allowable premium compensatory overtime accumulation for non-exempt AOC employees is two hundred and forty (240) hours. Totals for regular and premium compensatory overtime will be added together and no employee will be allowed to exceed a total accumulation of both regular and/or premium compensatory overtime over 480 hours. When an employee requests annual leave and compensatory leave is available, the compensatory leave shall be used first.

Overtime Election Form**•Change** ☐**•Newly Eligible** ☐**•Deletion** ☐



*Completion of this form indicates that you will be compensated by the method chosen below. Employees may elect to change this method at any time. Changes in the method of compensation will be effective from this date forward. At no time will compensation methods be retroactive.

Name:	Social Security #:
Title:	
Effective Date:	

Method of Compensation:	<input type="checkbox"/> Compensatory Leave	<input type="checkbox"/> Salary
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Employee Signature_____
Date_____
Supervisor Signature_____
Date

*Copies to be forwarded to the AOC Human Resources Department & the AOC Fiscal Division

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Approved by: Chief Justice Frank F. Drowota, III and Cornelia A. Clark, Director Subject: Recruitment and Selection Of Personnel		

- I. Authority: T.C.A. §16-3-803
- II. Purpose: To locate, hire or promote qualified individuals to fill job openings, while ensuring equal employment opportunity in accordance with the Supreme Court's Equal Employment Opportunity (EEO) policy.
- III. Application: All employees of the AOC.
- IV. Definitions: None.
- V. Policy: Open positions will be filled as quickly as possible with qualified individuals. The AOC will give equal employment opportunity to all individuals, regardless of race, color, religion, national origin, sex, age, citizenship, handicap, disability, or status as a Vietnam-era or special disabled veteran. In addition, the AOC will comply with any affirmative action requirements and with all EEO requirements that apply under state and federal law.
- VI. Procedures: *Personnel Requisition*. Anyone in management who wishes to fill an open position must complete a personnel requisition form (*form to be developed and attached*), regardless of whether it is a new position, a replacement, or a temporary job opportunity. All personnel requisitions must first be submitted to the Administrative Director for budget approval.
 - A. *Position Description*. A current or updated position description that clearly details duties and qualifications, including *all essential functions* of the position, must be attached to the requisition.
 - B. *Recruiting*. Recruitment will begin once the human resources manager receives a signed and approved personnel requisition.
 - C. *Position Posting*. The position opening will be posted by the human resources manager to ensure that qualified and interested persons

have the opportunity to apply for the job. The human resources manager and the hiring manager (the supervisor of the vacant position), in consultation with the Administrative Director, will determine which positions should first be posted internally for current employees. If a position is only posted internally, it shall be posted in such a manner as to ensure that all qualified employees receive consideration for the available position.

- D. *Recruiting Outside Candidates.* The human resources manager, in consultation with the Administrative Director and the hiring manager, is responsible for recruiting outside candidates through the most appropriate means available. Recruiting sources will be selected based upon the type of position(s) to be filled, the time available to fill the position(s), geographic location of the position, cost, and other applicable considerations. All outside recruiting must include posting the position on the Supreme Court web page.
- E. *Definition of Applicant.* An applicant is defined as an individual who has completed and signed an AOC Employment Application, including all required supplements. Resumes may also be submitted with the completed AOC Employment Application. If a person seeking employment contacts the hiring manager directly, the hiring manager shall refer the person to the human resources manager for completion of an employment application. The application shall include applicant flow data required by federal law.
- F. *Interviews.* The hiring manager, in consultation with the human resources manager, will determine the total number of applicants to interview.
- G. *Interview Team.* Whenever possible, an interview team, selected by the hiring manager, will conduct applicant interviews. Interview team members should include a cross section of employees, considering job duties, managerial responsibilities, gender and race. The size and makeup of the interview team is dependant upon the type of position being filled.

VII. Interview Procedure:

- A. *Overview of Position.* The person(s) conducting the interview should impress upon the applicant that all employment at the AOC is *at-will*. The applicant should be given an opportunity to change or update any information provided on the applicant's employment application. Benefits, if any, and other conditions of employment should be explained. At the beginning of the interview it should be

impressed upon the applicant that nothing in the interview process should be interpreted as a promise or implied offer of employment.

- B. *Questions.* In striving for fairness and equality, a list of appropriate questions should be prepared prior to conducting interviews. Questions should address the qualifications needed to successfully perform the duties of the position. The same questions must be asked of every interviewee.
- C. *Verification of Previous Employment / Reference Checking.* The hiring manager will verify previous employment and check references prior to extending an offer of employment. In appropriate cases, previous employment verification and reference checking should begin or be completed prior to interviewing an applicant.
- D. *Reimbursing Candidates for Expenses.* Candidate expenses are not reimbursable unless previously approved in writing by the Administrative Director.
- E. *Private Agency Contacts and Fees.* Private agency contacts and fees are not allowed unless pre-approved in writing by the Administrative Director.
- F. *Employment Offers and Salary.* Once a candidate is selected, the hiring manager, in consultation with the human resources manager, must obtain the Administrative Director's approval of the salary to be offered *before* an offer of employment is extended to the candidate. To ensure consistency and equity in the AOC's wage and salary goals, hiring managers should never unilaterally commit to a starting salary prior to the Administrative Director's approval.
- G. The hiring manager will contact the chosen candidate by phone to extend the offer. Upon verbal acceptance, the hiring manager, in consultation with the human resources manager, will confirm in writing the details of the offer, including the appropriate terms and conditions of employment. Great care should be taken not to promise or imply additional conditions of employment other than those previously approved by the Administrative Director.
- H. All offers of employment are contingent upon:
 - 1. No misrepresentation of information supplied by the applicant in the AOC Application of Employment.

2. The candidate's furnishing proof that he or she is legally entitled to work in the United States, in conformity with requirements of the Immigration Reform and Control Act (IRCA).
- I. *Informing Unsuccessful Applicants.* The human resources manager shall be responsible for contacting unsuccessful applicants and informing them that they are no longer under consideration. The hiring manager will provide the reason(s) for rejecting unsuccessful applicants and the human resources manager will record the reason for rejection in the applicant flow log in accordance with applicable federal EEOC record keeping requirements.



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Effective Date: 01/01/02

Supersedes:

Approved by: Chief Justice Frank F. Drowota, III and Cornelia A. Clark, Director

Subject: Employee Performance Evaluation

- I. Authority: T.C.A. § 16-3-803
- II. Purpose: To set forth a policy for evaluating the performance of employees.
- III. Application: All employees of the Administrative Office of the Courts (AOC).

IV. Definitions:

Employee: Any person whether in a full or part time status that is included on the payroll register for the AOC.

V. Policy

It is the policy to provide periodic written evaluations of employee work performance for the purpose of:

1. Documenting and detailing employee completion of assigned tasks and general job performance.
2. Providing feedback to employees about their work and progress within the organization.
3. Highlighting achievements or deficiencies for the purpose of recognition or improvement.
4. Identifying employee potential for additional responsibilities or promotion.
5. Establishing training needs.
6. Providing a basis for salary action recommendations.
7. Supporting disciplinary action up to and including termination.

VI. Procedures:

1. Exempt employees normally are reviewed after their first six months of employment and then annually thereafter. Nonexempt employees normally are reviewed after their first three months of employment and then annually thereafter.

2. The Human Resources Office is responsible for routing the Employee Performance Appraisal and Development Form, along with the Employee Self-Evaluation Form, to appropriate supervisory personnel at the designated review periods.
3. The Employee Self-Evaluation Form is to be completed by the employee prior to meeting with their supervisor for their formal evaluation. The Performance Appraisal and Development Form is to be completed by supervisors, reviewed with their superiors, and forwarded to Human Resources prior to any discussion with the employee about the evaluation.
4. Upon review, the Human Resources Office will return the form or will discuss the evaluation content with the evaluating division to propose changes in substance or wording.
5. Following the resolution of any questions about the evaluation, the supervisor will review and discuss the evaluation with the employee.
6. The employee will be asked to sign the form and be given the opportunity to include any comments in the appropriate section on the form. If the employee does not wish to sign the form or enter comments on it, the supervisor should indicate this fact on the form, and both the supervisor and supervisor's superior should enter their signatures directly beneath this statement.
7. The completed form is to be returned to Human Resources. The employee comments section will be reviewed by Human Resources and appropriate resolution taken when necessary, prior to placing the form in the employee's personnel file.
8. Normally, performance appraisal forms and other documents will be forwarded to the reviewing supervisor eight weeks in advance of the employee's review date to permit adequate time for processing. Completion of a performance appraisal does not automatically warrant a salary adjustment or change in status, nor is the conducting of an appraisal to be interpreted as a guarantee of future employment with the AOC. Conversely, the failure of the AOC to conduct an appraisal or appraisals on a specific employee's performance should not be viewed as preventing, limiting, or delaying the AOC from making a salary adjustment or change in status or taking appropriate disciplinary action against any employee in those circumstances where the AOC deems such action, in its sole discretion, to be appropriate.



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Effective Date: 10/01/02

Supersedes:

Approved by: Chief Justice Frank F. Drowota, III and Cornelia A. Clark, Director

Subject: Drug-Free Workplace

- I. Authority: T.C.A. §16-3-803
- II. Purpose: To establish policy and procedure concerning a drug-free workplace.
- III. Application: All employees of the Judicial Branch.
- IV. Definitions:
 - A. Controlled Substance: Any drug listed in Title 21 U.S.C. Section 812 and other federal regulations. Generally, these are drugs that have a high potential for abuse. Such drugs include, but are not limited to, heroin, marijuana, cocaine, PCP, and "crack". They also include "legal drugs" which are not prescribed by a licensed physician to an alleged violator.
 - B. Conviction: A finding, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
 - C. Drug-free workplace: A site for the performance of work done in connection with an employee's job at which employees are prohibited from engaging in unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.
- V. Policy: It shall be the policy of the Judicial Branch to provide a drug-free workplace for its employees.
- VI. Procedures:
 - A. A copy of the drug-free workplace policy shall be made available to each employee. (See page 3 of this policy.)

- B. Each employee will be required to certify his or her acknowledgement of this policy and action to be taken if a conviction occurs. The signed acknowledgement shall be maintained in the employee's personnel file. (See page 4 of this policy.)
- C. Employees will be made aware of the State's Employee Assistance Program (EAP) and will be encouraged to seek assistance with any drug or alcohol related problems.
- D. As a condition of employment, the employee will notify their supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
- E. If an employee is convicted for violating any criminal drug statute while in the workplace, he or she will be subject to disciplinary action up to and including termination. Alternatively, the employee may be required to successfully complete a drug abuse program sponsored by an approved private or governmental institution.
- F. It shall be the policy of the Judicial Branch to notify those federal agencies funding any activity involving an employee who has been convicted of violating any criminal drug statute while in the workplace. Notification shall be within ten days of receipt of notice regarding such a conviction.

DRUG-FREE WORKPLACE POLICY

Illegal and excessive use of drugs has become an epidemic in our state. Any abuse/use at the workplace is the subject of immediate concern in our society. From a safety perspective, the users of drugs may impair the well being of all employees, the public at large, and result in damage to state property. Drug use may also seriously impair an employee's ability to perform his/her job; therefore, it is the policy of the State of Tennessee that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the state's workplace is prohibited. Any employee violating this policy will be subject to discipline up to and including termination. The specifics of this policy are as follows:

1. The unlawful manufacture, distribution, possession or use of a controlled substance is prohibited in or on the workplace. Such manufacture, distribution, possession or use while on the job or state property will subject the violator to discipline up to and including termination.
2. The term "controlled substance" means any drug listed in Title 21 U.S.C. Section 812 and other federal regulations. Generally, these are the drugs that have a high potential for abuse. Such drugs include, but are not limited to, heroin, marijuana, cocaine, PCP, and "Crack". They also include "legal drugs" which are not prescribed by a licensed physician to an alleged violator.
3. Each employee is required by law to inform the judicial branch within five (5) days after he/she is convicted for violation of any federal or state criminal drug statute where such violation occurred on state property. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal or state court.
4. If an employee is convicted of violating any criminal drug statute while on the workplace, he or she will be subject to discipline up to and including termination. Alternatively, the Judicial Branch may require the employee to successfully finish a drug abuse program sponsored by an approved private or governmental institution.

THE POLICY STATED HEREIN IS BEING ADOPTED BY THE JUDICIAL BRANCH IN COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT.

Chief Justice Frank F. Drowota, III

Director

Date

ACKNOWLEDGMENT

I, _____, an employee of the Judicial Branch of the State of Tennessee, hereby certify that I have received a copy of the Judicial Branch's policy regarding the maintenance of a drug-free workplace. I realize that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace or on state property and violation of this policy can subject me to discipline up to and including termination. I realize that as a condition of employment, I must abide by the terms of this policy and will notify the employer of any criminal drug conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

Employee's Signature

Date



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Effective Date: 03/15/06

Supersedes:
2.07 (03/21/05)

Approved by: Chief Justice William M. Barker and Randy G. Camp, Director
Subject: Americans with Disabilities Act

- I. Authority: T.C.A. §16-3-803, 42 U.S.C. 12131 *et seq.* (Americans with Disabilities Act)
- II. Purpose: To ensure that all individuals have equal access to judicial programs and to prohibit discrimination against any individual on the basis of physical or mental disability in accessing or participating in its programs.
- III. Application: All employees of the Judicial Branch.
- IV. Definitions:
 - A. Disability: With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.
 - B. Facility: All or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure or equipment is located.
 - C. Individual with a disability: A person who has a disability.
 - D. Qualified individual with a disability: An individual with a disability who, with or without reasonable modification to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.
- V. Policy: It shall be the policy of the Judicial Branch of the State of Tennessee to prohibit discrimination against any qualified individual on the basis of physical or mental disability in accessing or participating in its

judicial programs. The Judicial Branch shall conduct its services, programs or activities, when viewed in their entirety, in a manner that is readily accessible to and usable by qualified individuals with disabilities.

VI. Procedures:

A. The Tennessee Judicial Branch will provide reasonable modifications in its rules, policies, services and practices, when necessary, to provide effective access to a qualified individual with a disability. A "reasonable modification" may include, but is not limited to, making a change in or exception to policies, practices, and procedures; its rules, policies, services and practices, when necessary, to provide effective access to a furnishing, at no charge, to the qualified individual with disability auxiliary aids and services, which include but are not limited to equipment, devices, materials in alternative formats, and qualified interpreters or readers; and relocating judicial programs, services or activities to alternate accessible facilities or alternate accessible sites; or making each service, program or activity, when viewed in its entirety, readily accessible to be usable by qualified persons with a disability requesting modifications.

B. In the event that the reasonable modification requires relocation of a judicial program, service or activity to an alternate facility or site, the alternate facility or site shall comply with the requirements of the Americans with Disabilities Act and the Tennessee Public Buildings Accessibility Act. The alternate facility or site shall also comply with Tennessee law concerning the location of county courthouses.

The Local Judicial Program ADA Coordinator in a county where the county courthouse is not ADA compliant, shall maintain a list of alternate facilities or sites that may be used for relocation of judicial programs, services and activities. An up to date copy of the alternate facility or site list shall be submitted to the Tennessee Judicial Program ADA Coordinator.

C. The Tennessee Judicial Branch has Judicial Program ADA Coordinator, employed by the Administrative Office of the Courts (AOC), who oversees the administration of this policy, any complaints associated with issues raised by this policy, and Requests for Modification under the Americans with Disabilities Act within the Judicial Branch, and will have the ultimate responsibility for compliance with this policy.

D. The Tennessee Judicial Program ADA Coordinator will designate a Local Judicial Program ADA Coordinator for each county in a judicial district, who will be responsible for handling all Requests for Modification to access judicial programs, activities and services

within that county. The Local Judicial Program ADA Coordinator should be involved with or familiar with the judicial program of the county.

- E. Persons requiring modification to obtain access to judicial programs, services or activities at any facility used for such purposes should contact the Local Judicial Program ADA Coordinator (Coordinator). A written Request for Modification is preferred. However, this request may be made by telephone to the Coordinator. In such instances, the Coordinator shall commit such requests to writing. The Coordinator shall maintain a record of all Requests for Modification. A Request for Modification form is available and may be obtained from the Local Judicial Program ADA Coordinator, the Tennessee Judicial Program ADA Coordinator, any court clerk's office, or online at www.tsc.state.tn.us. If appropriate or upon request, the Local Judicial Program ADA Coordinator or the Tennessee Judicial Program ADA Coordinator will provide assistance with writing and submitting the written request for Modification. Large print and Braille versions of the Request form are available upon request. If appropriate, other personnel associated with the judicial program, service or activity may assist the applicant in the submission of a completed Request for Modification to the Coordinator.

The written Request for Modification shall include a description of the person's disability, the role of the person in the judicial proceeding, the Modification sought, the date and time of the Modification requested, and the judicial proceeding for which the Modification is sought. Once a Request for Modification has been granted, the Local Judicial Program ADA Coordinator will advise the applicant of the procedure to be followed with regard to subsequent proceedings associated with the original Request. If necessary, the Local Judicial Program ADA Coordinator may require the applicant to provide additional information about the qualifying disability in order to determine the appropriate Modification to meet the applicant's needs, but only such information that may be required to make such a determination. Under no circumstances will the Local Judicial Program ADA Coordinator be permitted to request information regarding the applicant's disability that is not necessary for the evaluation of the Modification requested.

- F. An application requesting Modification may be submitted by any lawyer, party, witness, juror or other individual with an interest in attending any judicial program, activity or service or another person on behalf of such interested person.
- G. The Request for Modification should be submitted with as much advance notice as possible, but in any event should be made no

less than five (5) business day prior to the date for which the Modification is sought. An immediate Request for Modification should be made when urgent and/or emergency circumstances arise. In criminal cases where a defendant is confined to jail, the Request for Modification should be made as soon as possible. However, it may be necessary that the Request for Modification may be made contemporaneously with his or her initial court appearance.

- H. In the event that a person requiring a Modification has not made a timely Request for Modification, the court may, in its discretion, immediately grant such Modification without requiring an advance written request. In such a case, a Request for Modification form shall be completed by either the person requesting Modification or court personnel for the court's records. Alternately, the court may, in its discretion, postpone, reschedule or otherwise delay the judicial program, service or activity affected. Under such circumstances, the individual requesting Modification shall be required to immediately submit a written request. If appropriate or upon request, court personnel will provide assistance with writing and submitting the request for Modification.
- I. The Local Judicial Program ADA Coordinator will, as soon as practicable, notify the requesting individual of the Modification to be provided. An alternate Modification may be offered instead of the requested Modification if the Local Judicial Program ADA Coordinator determines that another equally effective Modification is available.
- J. If the Local Judicial Program ADA Coordinator determines that additional time may be necessary in order to achieve and/or obtain Modification, the Local Judicial Program ADA Coordinator shall notify the judge presiding over the matter, who will determine an appropriate course of action.
- K. A request for Modification may be denied only if the Local Judicial Program ADA Coordinator finds that:
 - 1) The person making the request is not a qualified individual with a disability; or,
 - 2) The requested Modification would create an undue financial or administrative burden; or,
 - 3) The requested Modification would fundamentally alter the nature of the judicial program, service or activity; or,
 - 4) Some other Modification would be as effective and involve less cost or inconvenience; or,

- 5) The applicant has refused to comply with this Policy; or,
 - 6) The applicant's failure to comply with this Policy makes impossible or impracticable the ability to provide the requested Modification.
- L. No employee of the Judicial Branch of the State of Tennessee shall retaliate against any person who exercises his/her rights under the Americans with Disabilities Act or who requests modification pursuant to this policy.
- M. If a Request for Modification is denied or the offered alternate Modification is unsatisfactory to the applicant, the applicant may appeal the decision of the Local Judicial Program ADA Coordinator to the presiding judge of the judicial district within ten (10) days of the denial of Modification or offer of alternate Modification. The judge shall rule on the appeal as soon as practicable, and where possible, in advance of the date of the hearing for which the Modification is requested.
- N. If an applicant is dissatisfied with the ruling of the presiding judge, the decision may be appealed, within ten (10) days of the ruling, to the Director of the Administrative Office of the Courts, or his/her designee. A written request must include reasons for disagreement with the previous determinations, as well as the remedy sought. The Director shall provide a ruling as to the request as expeditiously as possible. In resolving appeals, the Director is authorized to independently investigate the facts surrounding the appeal and has the discretion to utilize appropriate dispute resolution processes or other methods, including but not limited to, designating an appropriate neutral to assist in resolving the issues in controversy.
- O. A public notice shall be posted in visible places throughout each facility where judicial programs, services and/or activities are held, including but not limited to each court clerk's office, that identifies the Local Judicial Program ADA Coordinator and the Tennessee Judicial Program ADA Coordinator. Such public notice shall also provide a website address where a copy of this policy, implementation guidance, and Request for Modification form may be obtained electronically.

Should the courthouse facility within which judicial programs, services and/or activities are provided be inaccessible, a public notice shall be posted on the outside of the building or at another such location at or near the building that is readily accessible.

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- P. When a summons, subpoena, juror summons or other pleading, order or document compelling participation in a judicial program, service or activity is issued, said documents shall provide notice of the identity of the Local Judicial Program ADA Coordinator, the Tennessee Judicial Program ADA Coordinator and a specific designation as to how each may be contacted, including telephone numbers and email addresses. Such notice shall also provide information about program accessibility and the procedure for submission of requests for reasonable modifications. Such notice shall also provide a website address where a copy of this policy and Request for Modification request form may be obtained electronically.

REQUEST FOR MODIFICATION

Applicant requests accommodation under Tennessee Judicial Branch Policy 2.07

APPLICANT INFORMATIONApplicant is: ☐ Witness ☐ Juror ☐ Attorney ☐ Party ☐ Other _____

Name: _____ Court: _____

Telephone: _____

Address: _____

Judge: _____ Case No.: _____

Type of proceeding: ☐ Criminal ☐ Civil

Proceedings to be covered (e.g., bail hearing, preliminary hearing, particular witnesses at trial, sentencing hearing, motion hearing, trial): _____

Dates modification needed (specify): _____

Disability necessitating modification (specify): _____

Type of modification requested (specify): _____

Special requests or anticipated problems (specify): _____

I hereby certify that the above information is true and correct to the best of my knowledge.

Date: _____

Signature of Applicant _____

☐ The request for modification is **GRANTED**.☐ OFFER OF REASONABLE ALTERNATE MODIFICATION _____☐ The request for modification is **DENIED** because:

- ☐ the applicant is not a qualified individual with a disability
- ☐ the requested modification would fundamentally alter the nature of the judicial program, service or activity
- ☐ the requested modification would create an undue financial or administrative burden
- ☐ the applicant refused to comply with the Policy
- ☐ the applicant's failure to comply with the Policy makes impossible or impracticable the ability to provide the requested Modification

(Specify) _____

Date: _____

Local Judicial Program ADA Coordinator _____

APPEALS

☐ Presiding Judge Review requested. (Specify reason and the remedy you want):

Date: _____

Signature of Person Requesting Review

PRESIDING JUDGE REVIEW

I have reviewed the original request for modification, the offer of alternate modification or the denial of modification and the reason for the denial, and the reason that this review has been requested and find as follows: _____

Date: _____

Presiding Judge

☐ Administrative Office of the Courts Review requested. (Specify reason and the remedy you want): _____

Date: _____

Signature of Person Requesting Review

ADMINISTRATIVE OFFICE OF THE COURTS REVIEW

I have reviewed the original request for modification, the offer of alternate modification or the denial of modification and the reason for the denial, and the reason that this review has been requested and find as follows: _____

Date: _____

AOC Director

PUBLIC NOTICE

The Americans with Disabilities Act prohibits discrimination against any qualified individual with a disability. The Tennessee Judicial Branch does not permit discrimination against any individual on the basis of physical or mental disability in accessing its judicial programs. In accordance with the Americans with Disabilities Act, if necessary, the Tennessee Judicial Branch will provide reasonable modifications in order to access all of its programs, services and activities to persons with qualified disabilities.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990.

If you need assistance, have questions or need additional information, please contact your Local Judicial Program ADA Coordinator:

If you need assistance, have questions or need additional information, you may also contact the Tennessee Judicial Program ADA Coordinator:

The Tennessee Judicial Branch Americans with Disabilities Act Policy Regarding Access to Judicial Programs, as well as a Request for Modification form may be found online at www.tsc.state.tn.us.

NOTICE

**(To be sent along with Summons, Subpoenas, Juror Summons or other
order compelling participation in a judicial program)**

The Americans with Disabilities Act prohibits discrimination against any qualified individual with a disability. The Tennessee Judicial Branch does not permit discrimination against any individual on the basis of physical or mental disability in accessing its judicial programs. In accordance with the Americans with Disabilities Act, if necessary, the Tennessee Judicial Branch will provide reasonable modifications in order to access all of its programs, services and activities to persons with qualified disabilities.

If you require a modification to access the judicial program and/or have special needs because of a qualified disability, you must submit a written **Request for Modification** to the Local Judicial Program ADA Coordinator listed below at least five (5) business days prior to the date of the judicial program, if possible. A form is available from the Local Judicial Program ADA Coordinator or from the Tennessee Judicial Program ADA Coordinator.

If you need assistance, have questions or need additional information, please contact the Local Judicial Program ADA Coordinator:

If you need assistance, have questions or need additional information, you may also contact the Tennessee Judicial Program ADA Coordinator:

The Tennessee Judicial Branch Americans with Disabilities Act Policy Regarding Access to Judicial Programs, as well as a Request for Modification form may be found online at www.tsc.state.tn.us.



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Effective Date: 05/01/06

Supersedes:

WMB

Approved by: Chief Justice William M. Barker and Randy C. Camp, Director

Subject: Workplace Harassment

- I. Authority: Title VII of the Civil Rights Act of 1964; T.C.A. §16-3-803; T.C.A. Title 4, Chapter 21, Parts 1 and 4; Equal Pay Act of 1963; Age Discrimination in Employment Act of 1967; Americans' with Disabilities Act of 1990; T.C.A. §8-50-103(a) and §8-50-104; Pregnancy Discrimination in Employment Act; Vocational Rehabilitation Act of 1973; Uniformed Services Employment and Reemployment Act of 1994; Tennessee Human Rights Act.
- II. Purpose: To ensure that all that all employees are allowed to work in an environment free from all forms of unlawful workplace harassment.
- III. Application: To all state judges and paid or unpaid employees of the state court system who work or serve in a full-time or part-time status.
- IV. Definitions:
 - A. Workplace Harassment: Any unwelcome verbal, written, or physical conduct that either degrades or shows hostility or aversion towards a person because of the person's race, color, national origin, age (over 40), sex, pregnancy, religion, creed, disability, or veteran's status that (1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an employee's work performance; or (3) affects an employee's employment opportunities or compensation.

To aid in identifying prohibited behavior, the following specific examples of conduct that violate this policy include, but or not limited to:

1. Unwelcome touching or near-touching, which can encompass leaning over, cornering, hugging, or pinching; sexual innuendos, teasing and other sexual talk such as jokes, personal inquiries, persistent unwanted courting and sexist put-downs;
2. Slurs and jokes about a class of persons;
3. Distributing via-e-mail epithets, slurs, jokes or remarks that are derogatory or demeaning to a class of persons or a particular person or that promote stereotypes of a class of persons;

4. Display of explicit or offensive calendars, posters, pictures, drawings or cartoons that are sexually suggestive or that reflect disparagingly upon a class of persons or a particular person;
 5. Derogatory remarks about a person's national origin, race, language, or accent.
 - B. Hostile environment: Hostile environment harassment occurs when a victim is subjected to behavior that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
 - C. Sexual Harassment: Any unwelcome sexual advance, request for favors, and other verbal, written, or physical conduct of a sexual nature by a manager, supervisor, co-worker, or non-employee (third party). Managerial harassment occurs when a manager or a supervisor gives or withholds a work-related benefit in exchange for sexual favors from the victim or takes an adverse action against an employee for refusing a request for sexual favors. Threatening to take such actions may also be a violation of this policy. Certain actions may also create a hostile work environment. See the definition for "hostile work environment" above.
 - D. Retaliation: Overt or covert acts or reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or individuals exercising rights under this policy.
 - E. Third Parties: Third parties are individuals who are not state employees but who have business interactions with state employees. Such individuals include, but are not limited to, applicants for employment, vendors, or contractors.
- V. Policy: It is the policy of the judicial branch to provide an environment free of harassment of an employee or third party because of that person's race, color, national origin, age (over 40), sex, pregnancy, religion, creed, disability, or veteran's status or any other category protected by state and/or federal civil rights laws. Any employee that engages in conduct that violates this policy or who encourages such conduct by others will be subject to corrective action. The judicial branch will not tolerate any form of retaliation directed against an employee, applicant for employment, or third party who either complains about harassment or who participates in any investigation concerning harassment. The fact that an alleged offender meant no harm or was teasing will not excuse conduct that violates this policy.
- VI. Procedures:
 - A. A copy of this policy will be circulated to all employees and be displayed conspicuously in all facilities.

- B. A copy of this policy will be given to all new judicial branch employees as a part of orientation.
- C. All recruitment sources will be notified in writing of the policy.
- D. It is the responsibility of every employee to do their part in preventing all forms of unjust treatment and harassment of any kind.
- E. If an employee or third party believes he/she has been subjected to conduct that violates this policy, he/she must report those incidents as soon as possible after the event occurs.
- F. Employees, applicants for employment, or third parties may file a complaint with Human Resources or any member of management. Under no circumstances is the individual alleging workplace harassment required to file a complaint with the alleged harasser. If an employee believes he/she cannot file a complaint within the judicial branch, that person should contact the EEOC at 1-800-669-4000 (voice) or 1-800-669-6820 (TTY) or the Tennessee Human Rights Commission at 615-741-5825 for information on specific procedures for filing a complaint. The employee also may file a lawsuit in a court of competent jurisdiction.
- G. Individual who wish to file a complaint are encouraged to submit the complaint in writing and to include a description of the incident(s) as well as the date(s), time(s), place(s) and any witnesses.
- H. If an individual believes he/she has been subjected to retaliation for engaging in protected conduct under this policy, he/she must report those incidents as soon as possible after the event occurs.
- I. Any individual who provides information related to complaints will be protected against retaliation.
- J. If after consultation with the complainant, it is determined that the conduct falls within the terms of this policy, a neutral and impartial investigator will be appointed. As soon as practicable, the investigator should complete the following:
 - 1. Interview the complainant;
 - 2. Identify and interview witnesses, if any;
 - 3. Notify the accused in writing that a complaint has been filed and request a written response;
 - 4. Interview the accused, if appropriate; and
 - 5. Prepare a written report, including findings and recommendations for appropriate action.
- K. If the complainant does not agree with the report's findings and recommendations, the complainant may file a complaint with the EEOC or the Tennessee Human Rights Commission.

- L. To the extent permitted by law, the judicial branch will try to maintain the confidentiality of each party involved in a harassment investigation, complaint or charge, provided it does not interfere with the ability to investigate the allegations or to take corrective action. Confidentiality cannot be guaranteed. Any documents that are made or received in the course of the investigation are public records under the State's Public Records Act, unless otherwise exempted by state law.
- M. Complaints involving judicial officers will also be reported to the Court of the Judiciary as required by law.



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Effective Date: 11/01/01

Supersedes:

Approved by: Chief Justice Frank F. Drowota, III and Cornelia A. Clark, Director

Subject: Continuing Legal Education for Trial and Appellate Court Judges

- I. Authority: T.C.A. § 16-3-803(f).
- II. Purpose: To establish guidelines for authorizing and paying for Continuing Legal Education (CLE) for state trial and appellate court judges.
- III. Application: All state trial and appellate judges of courts of record.
- IV. Definitions: None.
- V. Policy: All state trial and appellate court judges shall complete CLE requirements in compliance with the regulations and guidelines of this administrative policy.
- VI. Procedures:
 - A. Reimbursement Procedure
 1. Requests for reimbursements are submitted for approval to the Administrative Office of the Courts at the following address:

Administrative Office of the Courts
Attn: Education Manager
Nashville City Center, Suite 600
511 Union Street
Nashville, TN 37219
 2. All requests are reviewed in strict compliance with the following general provisions. However, the Administrative Director of the Courts may grant exemptions and allow exceptions from these policies and guidelines when deemed appropriate and necessary.

B. General Provisions

1. Under T. C. A. §17-3-105, it is the official duty of each member of the conference to attend upon its annual meetings unless otherwise officially engaged, or for other good and sufficient reasons. Every member shall be entitled to have such member's expenses paid for such attendance. Such expenses shall be paid pursuant to policies and guidelines promulgated by the Supreme Court. It is anticipated that all conference members will obtain their required CLE hours through attendance at regular conference meetings.
2. In the event a judge is deficient in his/her annual CLE credits at year-end and is unable to complete the mandatory CLE requirements by attending the Tennessee Judicial Conferences, the Administrative Office of the Courts recommends that the judge attend a seminar closest to their residence to fulfill the annual CLE requirements. The judge will not be reimbursed travel expenses for attendance to in-state programs not sponsored by the Administrative Office of the Courts, unless prior approval has been obtained from the Administrative Office of the Courts. When registering with other CLE sponsors, inquire as to whether or not they will discount or waive the registration fee for a judge of a court of record.
3. Advance approval is required for all out-of-state continuing education or training programs. The AOC has developed a three year policy for attending out-of-state education as provided in T.C. A. § 16-3-803. Judges of trial and appellate courts of record whose terms exceed three (3) years shall, within two (2) years of the date of their initial election or appointment be given the opportunity to attend judicial training programs approved by the Supreme Court.
4. A judge may receive approval to travel on a more frequent basis if he/she secures funding other than from the Administrative Office of the Courts. Send copies of all documents regarding the scholarship awards to the attention of the Education Manager at the Administrative Office of the Courts. This will enable the AOC to maintain current files on judicial travel.
5. Travel to a conference sponsored by a bar association or other professional organization where no CLE is offered, is generally not considered to be for educational purposes and will not be authorized for payment. Obvious exceptions to this policy are delegate positions to certain organizations that have been approved for payment by the Tennessee Judicial Conference (i.e. delegates to the National Conference of State Trial Judges, American Bar Association, and the National Bar Association) or by the Supreme Court. Any request for a

variance of this policy should be submitted to the Education Manager at the AOC or to the president of the Tennessee Judicial Conference, with backup information and a statement of reasons why the variance should be granted. Sponsoring agencies sometimes provide reimbursement or partial reimbursement for participation. Check with the agency to determine if reimbursement is available.

6. During the two-year cycle after each eight-year election process, first preference for out-of-state travel will be granted to new judges attending the general jurisdiction course at the National Judicial College (NJC) in Reno, NV or the equivalent appellate course at either NJC or New York University. Judges recently elected for the first time should contact the Education Manager at the AOC for information about these courses.

C. Application Process

1. Prior Written Request – A judge requesting to travel must make prior written request at least one (1) month prior to the date of the course to the Education Manager at the Administrative Office of the Courts. The applicant should allow at least four (4) weeks to process direct payment of funding requests. If a request is granted within the required one (1) month time period and billing arrangements cannot be arranged, it will be necessary for the judge to pay and then file for reimbursement.

The request should include:

- Title of CLE program
- Name of sponsoring organization
- Location
- Date
- Cost (registration fees, etc.)
- Number of CLE credit hours offered
- Completed registration form

2. Letter of Acknowledgment – The Administrative Office of the Courts will notify the judge in writing if he/she has been approved or denied permission to travel. If approval has been granted, the judge will be given any additional information needed to complete his/her housing and travel arrangements. Your packet will include a Request for Out-of-State Travel Authority Form, which must be completed and returned to the Administrative Office of the Courts upon receipt of the applicants travel approval letter. In the event that a judge attends the National Judicial College in Reno, NV, the letter of acknowledgment

will contain a housing form and an application for the judge to complete and return directly to the College. A judge may choose to charge his/her airline ticket through the State's designated travel agency. A judge may not charge a travel companion's ticket to the State's account, but must use his/her own personal account for such expense.

- VII. Continuing Legal Education Accreditation: Credit shall be given only for CLE activities approved by the Tennessee Commission on Continuing Legal Education and Specialization. The attendee must obtain a *Certificate of Attendance* from the seminar/course sponsor and submit a copy to the Education Manager at the Administrative Office of the Courts.

The attendee will need to select one of the following procedures for receiving CLE Credit that best describes the circumstance:

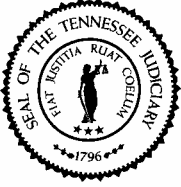
- A. Seminar/Course Is Certified— If the program has been certified by the Tennessee Commission on Continuing Legal Education and Specialization, the sponsor will remit a list of attendees and submit a fee per approved credit hour earned by each Tennessee attorney/judge within thirty (30) days after the program is held. In addition, it is the responsibility of the registrant to obtain a *Certificate of Attendance* and send a copy of the Certificate to the attention of the Education Manager at the Administrative Office of the Courts.
- B. Seminar/Course Not Certified – If the seminar/course has not been certified by the Tennessee Commission on Continuing Legal Education and Specialization, it is the responsibility of the seminar/course attendee to submit a complete copy of the course schedule to the Tennessee Commission for CLE accreditation. The Commission will notify the judge as to the number of CLE credit hours approved and also the amount of fee due for certification. The applicant will need to address his/her inquiries to:

Tennessee Commission on Continuing Legal
Education and Specialization
221 Fourth Avenue North
Nashville, TN 37219
Phone (615) 741-3096
Fax (615) 532-2477
E-mail: <http://www.Info@CLETN.com>

A copy of the *Certificate of Attendance* and other documentation regarding fees from the Commission is required when filing for reimbursement of expenses with the Administrative Office of the Courts.

- C. CLE Certification in Other States – If the attendee wishes to receive CLE credit in other states in addition to Tennessee, he/she must contact that state's Mandatory Continuing Legal Education Regulator for specific instructions as to how to apply for credit. Each state has a specific set of rules governing their particular jurisdiction. The attendee may seek assistance by contacting the Tennessee Commission on Continuing Legal Education and Specialization or using the website below to obtain information on a particular state:

Email: <http://www.Washlaw.edu/postlaw/oracle.htm>



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Effective Date: 11/01/01

Supersedes:

Approved by: Chief Justice E. Riley Anderson and Cornelia A. Clark, Director

Subject: Continuing Legal Education for Appellate Court Staff Attorneys, Law Clerks, and Capital Case Attorneys

- I. Authority: Supreme Court Rule 21
- II. Purpose: To establish guidelines for authorizing and paying for Continuing Legal Education (CLE) for appellate court staff attorneys, law clerks and capital case attorneys.
- III. Application: All state appellate court staff attorneys, law clerks and capital case attorneys.
- IV. Definitions: None.
- V. Policy: All state appellate court staff attorneys, law clerks and capital case attorneys shall complete CLE requirements in compliance with the regulations and guidelines of this administrative policy.
- VI. Procedures:
 - A. How to Apply
 1. The supervising judge should, at least one (1) month prior to the date of the seminar, will need to make a written request to the Education Manager at the Administrative Office of the Courts for approval of the CLE program. This will allow adequate time necessary to process the supervising judge's request.
 2. The request should include:
 - a. Title of CLE program
 - b. Name of sponsoring organization
 - c. Location
 - d. Date
 - e. Cost (registration fees, etc.)
 - f. Number of CLE credit hours offered
 - g. Completed registration form

3. The applicant should allow at least four (4) weeks to process the request and to make payment of any registration fees. If a request is granted within the one month time period and billings arrangements cannot be arranged, the law clerk or staff attorney should personally submit his/her own payment and then file for reimbursement.

B. Hours Reimbursed

1. The state will pay for a total of 15 CLE hours or credits per staff attorney/law clerk each calendar year. If a staff attorney/law clerk has achieved 15 hours of CLE credit in a given calendar year, any additional hours above the necessary 15 hours will not be reimbursed.
2. Preference is given to the annual TLI review course where special fee arrangements have been negotiated.

C. Local Programs: It is the primary intent of this program to afford staff attorneys and law clerks the opportunity to attend local CLE programs at state expense. Local programs should be considered in order to reduce the total cost of such programs. The Administrative Office of the Courts will reimburse the staff attorney or law clerk for his/her registration fees and pay his/her CLE fee charged by the Commission on Continuing Legal Education. No meals, mileage, lodging or other travel expenses will be reimbursed for attendance at local programs without prior approval of the Education Manager.

D. Out-of-Town Programs: When local programs are not available and upon written request of the supervising judge for good cause shown and the prior approval of the Education Manager, individuals who travel to another city to attend CLE programs will be reimbursed for their registration fees for the CLE program. They also may be reimbursed for travel expenses, in keeping with the Judicial Travel Regulations in effect at the time the travel is incurred, and subject to the availability of budgeted funds.

E. Certification of Attendance & Reimbursement Procedures: Upon completion of the program, certification of attendance should be provided to the Education Manager at the Administrative Office of the Courts along with any reimbursement claim.

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- F. Questions: If you have any questions regarding CLE guidelines, please contact the Education Manager at the Administrative Office of the Courts at (615) 741-2687.



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Effective Date: 11/01/01

Supersedes:

Approved by: Chief Justice Frank F. Drowota, III and Cornelia A. Clark, Director

Subject: Interchange, designation, and substitution of trial and appellate court judges

- I. Authority: Tenn. Code Ann. §§ 17-2-109, 17-2-201 *et seq.* and Supreme Court Rule 11.
- II. Purpose: To ensure uniformity of the procedures used in the interchange and designation of trial court judges.
- III. Application: Trial court judges and appellate court judges, as noted.
- IV. Definitions: None.
- V. Policy:
 - A. Interchange generally: Each state trial court judge has an affirmative duty to interchange if: (1) a judge has died or is unable to hold court; (2) two or more judges have agreed to a mutually convenient interchange; (3) the judge is incompetent under the provisions of Tenn. Code Ann. § 17-2-101; or (4) the Chief Justice has assigned by order a judge of another court pursuant to Supreme Court Rule 11. *Tenn. Code Ann. § 17-2-202(a).*

A judge or chancellor holding court in the circuit or division of another shall have the same power and jurisdiction as the judge or chancellor in whose place he or she is acting. *Tenn. Code Ann. § 17-2-206.*
 - B. Interchange in certain divorce actions: In counties having a population of over 700,000, general sessions judges may sit by interchange as a circuit court judge or chancellor for the exclusive purpose of hearing and deciding uncontested and irreconcilable differences in divorce cases. *Tenn. Code Ann. § 17-2-209(a).*
 - C. Designation generally: Whenever litigation in chancery, circuit, civil, or appellate courts becomes congested or delay in the disposition becomes imminent for any reason or upon request by any chancellor or judge, the Chief Justice shall assign a retired or regular chancellor or judge to assist in the removal of such congestion or delay. Such

assignment shall not materially interfere with the performance of the assigned judge's official duties.

Any judge has the discretion to request another judge to assist in the removal of congestion or delay if the original judge becomes aware of the need for such assistance before the Chief Justice makes the assignment. In such situations, both the requesting judge and the assigned judge may hear, try and dispose of cases in such court at the same time, both signing their respective minutes. *Tenn. Code Ann. § 17-2-109.*

- D. Duties of Presiding Judges: To reduce delays, correct caseload imbalances, and to promote the orderly and efficient administration of justice, the presiding judge may assign cases to judges and chancellors within his or her district. If the presiding judge is unable to correct an imbalance or reduce docket delays utilizing the available judges within the district, it is his or her affirmative duty to contact other presiding judges and request assistance or contact the Administrative Office of the Courts for assistance pursuant to *Tenn. Code Ann. § 16-3-502(3)*. *Tenn. Code Ann. § 16-2-509(d) and (e)*.

- E. Designation and Use of Referees/Appointed Officers of the Judicial System: In addition to the statutory provisions governing the referee and clerk and master positions, the referee or clerk and master can be used as a lawyer substitute judge in accordance with *Tenn. Code Ann. §§17-2-118(f) and 17-2-122(b)*. Such appointed judicial officers shall serve as a special judge only in matters related to their duties as judicial officers. Designation of referees or clerks and masters by the Chief Justice is not required in such cases.

In counties with a metropolitan form of government and a population over 500,000, the circuit court judges may appoint a full-time master to serve as a judicial officer in the absence of one of the judges. *Tenn. Code Ann. § 17-2-123.*

- F. Immunity for Judges: Any judge or lawyer specially appointed pursuant to *Tenn. Code Ann. § 17-2-109* or *Tenn. Code Ann. § 16-15-209* or by interchange shall have the same immunity as the judge for whom the judge or lawyer is sitting. The county where the special judge or lawyer is sitting shall be required to provide the defense. *Tenn. Code Ann. § 16-1-114.*

- G. Expenses: The expenses of the chancellor, judge or appellate judge who serves as assigned by the Chief Justice under *Tenn. Code Ann. §§ 17-2-109 or 17-2-110*, or the retired judge designated under *Tenn. Code Ann. § 16-3-502(2)* shall be certified by the chancellor, judge, appellate or retired judge pursuant to policies and guidelines promulgated by the Supreme Court. Such expenses shall be paid in

addition to the regular salary of the judge. *Tenn. Code Ann. § 17-2-111.*

- H. Oaths: Every special judge, before entering on the duties of the judge's appointment, shall take an oath before the clerk of the court and file such oath with the clerk. *Tenn. Code Ann. § 17-2-120.*
- VI. Procedures: Where a judge of a trial court of record is incompetent to try any case pending before that judge, as provided in *Tenn. Code Ann. § 17-2-202*, or the judge of a trial court of record fails to attend or is unable to hold court, as provided in *Tenn. Code Ann. § 17-2-118*, the following procedure shall be followed, in the sequence designated, for the selection of a substitute judge:
- A. The judge shall seek interchange in accordance with *Tenn. Code Ann. § 17-2-201 et seq.*
 - B. The judge shall apply to the presiding judge of the judicial district to effect an interchange with a judge of that judicial district in accordance with *Tenn. Code Ann. § 16-2-509(d)*.
 - C. The presiding judge of the judicial district shall effect an interchange with a judge from another judicial district in accordance with *Tenn. Code Ann. § 16-2-509(e)*.
 - D. The presiding judge shall request from the director of the Administrative Office of the Courts the designation of a judge by the Chief Justice, in accordance with *Tenn. Code Ann. §§ 16-3-502(3)(A)* and *17-2-110*.
 - E. If a judge is disqualified by reason of a conflict of interest or other circumstance where the judge's impartiality in choosing another judge to sit as special judge could be questioned, the judge should apply to the Administrative Office of the Courts for assistance in finding a judge to sit by interchange or designation. See Supreme Court Rule 10, Canon 3(E) regarding disqualification.
 - F. The Administrative Office of the Courts, absent special circumstances, cannot secure a replacement when the regular judge's absence results from:
 - 1. attendance at a conference, educational seminar or speaking engagement;
 - 2. attendance at an annually scheduled state or local bar association meeting;
 - 3. scheduled vacation; or
 - 4. regularly scheduled administrative days or weeks in which the

judge rotates off the bench to handle administrative matters.

VII. Alternate Procedure: Lawyer as Substitute Judge: Only if the procedures set forth above fail to provide a judge to preside over the docket or case will a judge appoint a lawyer to preside as a substitute judge pursuant to *Tenn. Code Ann. § 17-2-118*. Appointments pursuant to this section will conform to the following requirements:

- A. An attorney who is appointed substitute judge must possess all the qualifications of a judge, including the age and residency requirements, and the attorney must be in good standing under the rules of the Supreme Court. The substitute judge shall be subject to the applicable provisions of the Code of Judicial Conduct, including Canon 8.
- B. The substitute judge shall take an oath of office as provided in *Tenn. Code Ann. § 17-2-120*, and the substitute judge shall certify compliance with this rule by affixing his or her signature to the substitute judge consent form.
- C. The authority of a substitute judge to fix fees pursuant to *Tenn. Code Ann. § 17-2-118* is limited to cases in which the exact amount of the fee is set by statute.
- D. The substitute judge must ensure that all litigants who are present at the beginning of each proceeding give their consent to the use of a substitute judge in their case. All litigants who are present at the beginning of the proceedings in a case and the attorneys of record for all parties who consent to the service of the substitute judge must complete Part B of the substitute judge consent form. Without such consent, the substitute judge shall not preside on that case. Part C of the substitute judge consent form must be completed by the substitute judge in each case on which that judge presides.
- E. The incompetent or absent judge must complete Part A of the substitute judge consent form. The judge must specify the reason for his or her incompetence or absence. If the judge cites absence for a cause other than a reason listed in *Tenn. Code Ann. § 17-2-118(a)*, the specific reason for the absence must be set forth on the form.
- F. The clerk of the court shall certify that the appointment was made and that the substitute judge took the statutory oath of office and that the oath of office was filed in the clerk's office. The certification shall be made on Part D of the substitute judge consent form.
- G. At the end of each month, all substitute judge consent forms will be transmitted by the presiding judge of the judicial district to the Administrative Office of the Courts where they will be available for

Subject: Interchange, designation, and substitution of trial and appellate court judges	Index #: 4.01	Page 5 of 5
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public inspection during regular business hours. Such forms shall be maintained on file at the Administrative Office of the Courts for at least eight (8) years after they are received. *Supreme Court Rule 11.*

VIII. Senior and Retired Judges:

- A. The utilization of senior and retired judges as replacements in the trial and appellate courts must be scheduled through the Administrative Office of the Courts.



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Index #: 4.02

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Effective Date: 11/01/01

Supersedes:

Approved by: Chief Justice Frank F. Drowota, III and Cornelia A. Clark, Director

Subject: Interchange, designation, and substitution of judges of general sessions and juvenile courts

- I. Authority: Tenn. Code Ann. §§ 16-15-209, 17-2-208 and applicable statutes.
- II. Purpose: To ensure uniformity of the procedures used in the interchange and designation of judges of courts of general sessions and juvenile courts.
- III. Application: General Sessions and juvenile court judges.

IV. Definitions: None.

V. Policy

- A. Interchange generally: Notwithstanding any other provision of law to the contrary, judges of courts of general sessions and juvenile courts may interchange with each other whenever causes exist making an interchange necessary or for mutual convenience. The interchanging judge shall not be required to be a resident of the county as the judge for whom he or she is sitting, but must otherwise possess the same qualifications. *Tenn. Code Ann. § 17-2-208.*

Interchange in certain divorce actions: In counties having a population of over 700,000, general sessions judges may sit by interchange as a circuit court judge or chancellor for the exclusive purpose of hearing and deciding uncontested and irreconcilable differences in divorce cases. *Tenn. Code Ann. § 17-2-209(a).*

- B. Designation generally: Whenever litigation in general sessions or juvenile courts becomes congested or delay in the disposition becomes imminent for any reason or upon request by any judge, the Chief Justice shall assign a retired or regular judge to assist in the removal of such congestion or delay. Such assignment shall not materially interfere with the performance of the assigned judge's official duties.
- C. Any judge has the discretion to request another judge to assist in the removal of congestion or delay if the original judge becomes aware of the need for such assistance before the Chief Justice makes the assignment.

In such situations, both the requesting judge and the assigned judge may hear, try and dispose of cases in such court at the same time, both signing their respective minutes. *Tenn. Code Ann. § 17-2-109.*

- D. Designation and Use of Referees/Appointed Officers of the Judicial System: In addition to the statutory provisions governing the referee and clerk and master positions, the referee or clerk and master can be appointed as a full-time officer of the judicial system in accordance with Tenn. Code Ann. § 16-15-209(g) and also can be used as a lawyer substitute judge in accordance with Tenn. Code Ann. §16-15-209(a)(4).

Such appointed judicial officers shall serve as a special judge only in matters related to their duties as judicial officers. Designation of referees or clerks and masters by the Chief Justice is not required in such cases.

- E. Immunity for Judges: Any judge or lawyer specially appointed pursuant to Tenn. Code Ann. § 17-2-109 or Tenn. Code Ann. § 16-15-209 or by interchange shall have the same immunity as the judge for whom the judge or lawyer is sitting. The county where the special judge or lawyer is sitting shall be required to provide the defense. *Tenn. Code Ann. § 16-1-114.*
- F. Reimbursement: A judge assigned to a court outside their county of residence shall receive reimbursement for travel expenses from the county requesting assistance in accordance with the judicial travel regulations of the supreme court. *Tenn. Code Ann. § 16-15-209(b).*
- G. Compensation: The county legislative body may authorize payment of compensation to a special lawyer judge. The amount of compensation shall not exceed that of other judges of the general sessions court or juvenile court for such county. *Tenn. Code Ann. § 16-15-209(c).*
- H. Oaths: Every special judge, before entering on the duties of the judge's appointment, shall take an oath before the clerk of the court and file such oath with the clerk. *Tenn. Code Ann. § 17-2-120.*
- I. County with population of over 800,000 - See also Tenn. Code Ann. § 16-15-209(e) through (h) for provisions regarding adopted resolutions and special judge provisions in any county having a population in excess of 800,000.

VI. Procedures:

- A. If a special judge is necessary, the judge shall interchange with another judge within the county. If a judge cannot serve by interchange, a judge may seek to find any current, former, or retired

judge who will sit as special judge. Such designation shall be made by the chief justice. The judge should contact the Administrative Office of the Courts to process the designation order.

- B. In a county with only one (1) general sessions judge or juvenile court judge, the judge shall seek to find any current, former, or retired judge who will sit as a special judge. The special judge shall serve by designation of the chief justice. The judge should contact the Administrative Office of the Courts to process the designation order.
- C. If a judge is disqualified by reason of a conflict of interest or other circumstance where the judge's impartiality in choosing another judge to sit as special judge could be questioned, the judge should apply to the Administrative Office of the Courts for assistance in finding a judge to sit by interchange or designation. *See Supreme Court Rule 10, Canon 3(E) regarding disqualification.*
- D. If the judge is unable to secure a judge under (1) or (2), or if the circumstances outlined in (3) exist, the judge may apply to the Administrative Office of the Courts for assistance in finding a judge to sit by designation as a special judge. *See Tenn. Code Ann. §16-15-209(a)(1)-(3).*
- E. The Administrative Office of the Courts, absent special circumstances, cannot secure a replacement when the regular judge's absence results from:
 - 1. attendance at a conference, educational seminar or speaking engagement;
 - 2. attendance at an annually scheduled state or local bar association meeting;
 - 3. scheduled vacation; or
 - 4. regularly scheduled administrative days or weeks in which the judge rotates off the bench to handle administrative matters.

VII. Alternate Procedure - Lawyer as Special Judge: Only after exhausting the procedures set forth in Section VI, a judge may appoint a lawyer from a list, on a rotating basis, of lawyers that have been previously approved by the judges of the county who are constitutionally qualified, in good standing and possess sufficient experience and expertise. A lawyer appointed is subject to the following limitations:

- A. The lawyer may preside only if the parties and counsel are notified that the duly elected or appointed judge will be absent and that a practicing lawyer will serve as a special judge.
- B. The parties choose to proceed and not to continue the case pending return of the duly elected or appointed judge; and

- C. The lawyer shall not approve the payment of attorney's fees involving an indigent defense claim or any discretionary fees. A special judge shall approve fees only when the exact amount is set by statute. *Tenn. Code Ann. §16-15-209(a)(4)*.

During the month of September each year, the clerk of the court shall prepare, for each division of court, an annual report for the preceding twelve (12) months, setting out the total number of sessions of court presided over by a special judge, or by a judge sitting by interchange. The clerk shall also report the total number of sessions of court that are scheduled in each division of court for that period. The orders and reports required by this subdivision shall be filed, and kept open for public inspection, by the clerk of the court. The clerk of the court shall promptly file a copy of such annual report with the Administrative Office of the Courts.

- VIII. Standing Order: A general sessions or juvenile court judge may issue and amend, upon showing a change in circumstances, a standing order regarding compliance with the above procedures. Such order may include a finding regarding whether a current, former or retired judge will sit by mutual agreement, whether the Administrative Office of the Courts can comply with emergency requests for substitute judges, and the list of lawyers to be contacted on a rotating basis. See *Tenn. Code Ann. § 16-15-209(d)*.